

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4646-07
Bill No.: Truly Agreed To and Finally Passed CCS for HS for HB 1487
Subject: Children and Minors; Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Original
Date: May 26, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Labor and Industrial Relations, Department of Social Services,** and the **Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

ASSUMPTION (continued)

In response to similar proposals (HS for HB 1587, LR 4646-04P; SB 1210, LR 4290-02; and SB 1210, LR 4290-02), officials from the **Office of State Public Defender (SPD)** assumed increasing penalties on existing crimes increases the difficulty of existing cases handled by the SPD and increasing the statute of limitations will give the prosecutor more time in which to file charges. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Since the amount of impact is uncertain, the SPD cannot assume existing staff will be able to provide representation in these cases. However, once the true fiscal impact is determined, the SPD will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties or creating new crimes will require increased appropriations for the SPD.

Oversight assumes the SPD could experience an increase in case load due to the proposed legislation. Oversight assumes the SPD could absorb the cost of the increased case load within existing resources.

In response to a previous version of the proposal (4646-04 with amendments), officials from the **Department of Corrections (DOC)** assumed they cannot predict the number of new commitments which may result from the enhancement of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY03 average of \$38.10 per inmate per day, or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, DOC assumes the impact would be less than \$100,000 per year for the DOC.

FISCAL IMPACT - State Government FY 2005 FY 2006 FY 2007

GENERAL REVENUE FUND

<u>Costs</u> – Department of Corrections			
Incarceration/probation costs	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
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FISCAL IMPACT - Local Government FY 2005 FY 2006 FY 2007

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would lengthen the statute of limitations for most sexual offenses in which the victim is age 18 or younger. Under current law, the statute of limitations is 10 years after the victim reaches age 18. The proposal would lengthen the statute of limitations to 20 years after the victim reaches age 18. The lengthened statute of limitations would apply to all sexual offenses in which the victim is under the age of 18, except for the crimes of rape, sodomy, and kidnapping, for which there is no statute of limitations (§556.037).

The proposed legislation would create the crime of child kidnapping, a class A felony. The crime would be committed when a person who is not a relative of the child within the third degree unlawfully removes or confines a child age 14 or younger without the consent of the child's parents or guardians (§565.115).

DESCRIPTION (continued)

This proposal creates the crime of abuse through forced labor by knowingly providing or obtaining the labor or services of a person through threats of harm or restraint, by means of causing a person to believe that if the labor is not performed that person or another will suffer harm, or by means of abuse or the threat of abuse of the law or legal process. The crime of abuse through forced labor is a class B felony (§566.203).

The proposal also creates the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if a person knowingly recruits, harbors, transports, provides, or obtains by any means, another person for labor or services, for the purposes of slavery, involuntary servitude, peonage, or forced labor. The crime of trafficking pursuant to this section is a class B felony (§566.206).

The proposal also creates the crime of trafficking for the purposes of sexual exploitation, a class B felony (§566.209).

The proposal also creates the crime of sexual trafficking of a child if the individual knowingly recruits, transports, harbors, provides, or obtains a child to participate in a commercial sex act. It is a crime to benefit financially from participation in such activities or to cause a person under the age of eighteen to engage in a commercial sex act through the use of fraud, coercion, or force. The crime of sexual trafficking of a child is a class A felony if the child is under the age of eighteen (§566.212).

The proposal also creates the crime of contributing to human trafficking through the misuse of documentation. It is a crime to misuse another person's identification to commit the above trafficking offenses or to restrict a person's ability to move or travel. The crime of contributing to human trafficking through the misuse of documentation is a class D felony (§566.215).

The proposal requires the sentencing court to order the offender to pay restitution to the victim of the offenses established in Sections 566.203, 566.206, 566.209, 566.212, and 566.215 (§566.218).

The proposal makes the crime of patronizing prostitution a class A misdemeanor if the individual who the person is patronizing is under the age of eighteen but older than the age of fourteen and a class D felony if the individual who the person patronizes is fourteen years of age or younger (§567.030).

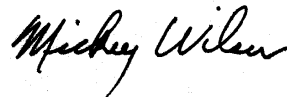
The proposal contains an emergency clause for Sections 565.110 and 565.115.

DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Labor and Industrial Relations
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
 – Capitol Police
 – Missouri State Water Patrol
Office of Prosecution Services
Office of the State Public Defender



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Director
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